SAN FRANCISCO DISTRICT

US Army Corps
of Engineers

PUBLIC NOTICE

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RESPONSE REQUIRED BY: December 9, 2000

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PERMIT MANAGER: David Ammerman PHONE: 707-443-0855 dammerman@spd.usace.army.mil

1. **INTRODUCTION:** The Crescent City Harbor District (herein referred to as the "Harbor District"), 101 Citizens Dock Road, Crescent City, California 95531, through its agent, RWP Dredging Management (RWP) (Contact Mr. Richard W. Parsons at 805-644-9759), has applied for a Department of the Army permit to maintenance dredge, annually over a ten year period, by hydraulic dredge and in part by clamshell dredge, approximately 100,000 cubic yards (CY) of harbor sediment. Sediment would be removed from the Inner Boat Dock, Recreational Moorage, and Inner Channel (including the Federal portion of the Inner Channel), with upland disposal, in Crescent City Harbor, Del Norte County, California. This application is being processed pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the Harbor District plans to dredge approximately 100,000 CY of sediment annually over a ten year period from Crescent City Harbor at locations inside the inner breakwater, including the inner boat docks, the recreational moorings, and the Inner Channel (see attached sheet 2 of 3). This project would include the Inner Channel portion of the Federal Channel (known as Area 3 on the drawings), which would usually be dredged under contract by the U.S. Army Corps of Engineers (Corps). The project would exclude the Federal Entrance Channel.

The applicant's agent states that a total of 678,000 cubic yards of sediment would require removal by dredging in order to achieve the design depth of -10 feet to -15 feet Mean Lower Low Water (MLLW). All dredging depths would have an additional 2-foot allowance for overdepth dredging (see the section under "Substrate" below for dredging depths at a particular portion of the harbor). However, the applicant requests authorization to dredge 100,000 cubic yards annually or on an as-needed basis to provide for removal of additional in-fill due to tidal circulation and deposition over a ten year period.

The applicant plans to use a barge-mounted hydraulic dredge for easily accessible portions of the above project (unconfined, open water areas of the harbor such as western portions of Areas 3, 4, and 5). Areas with small spaces and tight corners, such as the Inner Boat Basin, east shoreline of Areas 4 and 5, and recreational berths in Area 5 would be dredged with either a land-based or floating clamshell dredge. Dredged material would be either pipelined or trucked to an existing upland disposal site located immediately adjacent to the harbor for disposal (see attached sheet 2 of 3). Dredged material would remain in the upland disposal basin until excess water is drained back into the harbor. Eventually the dewatered dredged material would be removed from the basin and disposed at offsite disposal areas yet to be identified by the Harbor District. The applicant states the upland disposal site would be utilized on a year-round basis subject to its capacity limitations and dredging needs.

Disposal of dredged sediments would be at different locations depending on the chemical and physical quality of the sediment. Sediment that is not suitable for unconfined aquatic disposal would need to be disposed in an approved upland location (such as the upland site located at the Harbor). Sediment

that is suitable for unconfined aquatic disposal could be taken to two aquatic locations (or it could be taken to an approved upland location). If the sediment meets the current, established criteria for beach nourishment (80% sand or compatible with the receiving beach), it could be disposed at the currently-used disposal location on Whaler Island. Sediment that does not meet the criteria for beach nourishment could be taken to an approved aquatic disposal site. At this time, however, there is no approved unconfined aquatic disposal site that can be utilized by the Harbor District due to limitations on the Harbor District's dredge equipment. The nearest approved aquatic disposal site is approximately eight miles to the north of Crescent City, off the southern Oregon coast (a designated ocean disposal site). The Harbor District recently considered the use of this site and found it not to be practical to use at this time. The Harbor District may reconsider its use in the future in connection with entrance channel dredging by the Corps of Engineers. If the Harbor District can reach an agreement with the Corps to use the Corps' contractor to dredge Harbor District sediment, the Harbor District may request a permit modification to include the use of the ocean disposal site for suitable material. The use of the ocean site in Oregon would require coordination between several State and Federal agencies.

The initial dredge episode includes Areas 2 through 5. The sediment from Area 2 has a very high organic (wood) content (17%). Additionally, the solid phase bioassay tests for this sediment resulted in significant acute toxicity to the amphipod Rhepoxynius abronius. The Harbor District has proposed disposing of this sediment in the Harbor District's upland disposal site. Sediment from Area 3 is suitable for unconfined aquatic disposal and has a grain size of 90% sand. The Harbor District has proposed disposing of this sediment on Whaler Island, for beach nourishment. Sediment from Areas 4 and 5 are chemically suitable for unconfined aquatic disposal but not beach nourishment. There is no practical and approved unconfined aquatic disposal site for this sediment and the grain size does not meet the criteria for beach nourishment (both areas are approximately 58% sand, well below the 80% criterion). The Harbor District has proposed disposing of this sediment in its upland disposal site.

The overall purpose of the proposed project is to maintain adequate channel and berthing area depths for the mix of recreational and commercial fishing vessels using Crescent City Harbor. In addition, the United States Coast Guard moors its patrol boats in Crescent City Harbor.

The U.S. Army Corps of Engineers authorized maintenance dredging of the same areas as proposed above (excluding the inner portion of the Federal Channel) in 1989 (Corps Permit No. 17752N13 issued May 5, 1989) for a ten year period. The 1989 permit authorized the dredging of 75,000 cubic yards annually, with a ten year total authorized to 750,000 cubic yards. During the ten year period from 1989 to 1999, the Harbor District dredged probably no more than an estimated 100,000 cubic yards from any portion of the harbor (it appears no precise dredging records have been kept by the Harbor District) due to equipment downtime and funding shortfalls. During that time period, the upland disposal basin and Whaler Island beach disposal site were utilized for dredged material disposal.

For the current permit application, the Harbor District originally applied for aquatic disposal of dredged material in addition to use of the existing upland disposal site. The Harbor District had planned to dispose of dredged material at beach disposal sites located adjacent to Whaler Island (just west of the harbor) and at South Beach (just south of the harbor). However, after review of the results obtained from dredge area sediment sampling by Applied Environmental Techologies, Inc. (AET, Inc., 1999) and after several meetings between representatives of the Harbor District, RWP, the Corps, and the U.S. Environmental Protection Agency (EPA), the Corps determined that Dredge Areas 4 and 5 in the harbor (See Sheet 3 of 3) had sand and fine material percentage composition incompatible with sand and fine material percentage composition of the proposed beach disposal sites. The Corps determined that dredged material from

Areas 4 and 5 was unsuitable for aquatic disposal. The Harbor District also considered aquatic disposal at an ocean disposal site located approximately four miles offshore from Brookings, Oregon. The Oregon offshore disposal site has been used in the past by the Corps for disposal of dredged material from Oregon harbors.

Due to the pressing need to dredge Crescent City Harbor, the Harbor District, through RWP, requested the Corps amend the current permit application to consider dredging with upland disposal only at Areas 4 and 5, as well as for Areas 2 and 3. No aquatic disposal is being considered at this time.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The California Regional Water Quality Control Board (RWQCB), North Coast Region, has issued Waste Discharge Order No. 92-103 covering the above proposed project as well as the previously authorized project conducted since 1989. The RWQCB is currently reviewing the permit applicant's proposed project description and dredge area sampling and testing results to determine if the previously issued Waste Discharge Order is still valid for the proposed project.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this public notice.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - Tidal circulation and deposition, and, to a lesser extent, sediment influx from Elk Creek, a freshwater tributary draining into the harbor, is expected to naturally fill in areas previously dredged. To keep up with this sediment influx, the proposed project would remove approximately 100,000 cubic yards per year. All dredging would be performed using the Harbor District's 12-inch hydraulic dredge with dredge material transported by pipeline strung across harbor waters and facilities, or by a clamshell dredge with the material hauled by truck to the upland disposal basin. All dredging design depths would have an additional 2-foot allowance for overdepth dredging. Dredging Area 1 would not be dredged until sampling and analysis of the material in that area is performed at a later date. Area 1 is not being considered at this time for Corps authorization. Dredging depths for Areas 2,3,4, and 5 would be as follows (See Sheet 2 of 3):

1. Dredge Area 2 would be dredged to a design depth of -15 feet MLLW. Sediment sampling of Area 2 by AET, Inc. (AET Inc., 1999) indicated that sediments consisted of silts and fine sands with a high percentage (17.32%) of wood materials present.

2. Dredge Area 3 would be dredged to design depths of -12 feet to -15 feet MLLW. Sampling by AET, Inc. indicated the sediments in this area are generally fine sand with little organic material and shell hash (fragments of mollusc bivalve or monovalve clam, mussel, or other marine shelled invertebrate mixed with sand or silt).

3. Dredge Area 4 would be dredged to a design depth of -15 feet MLLW. Material removed from the immediate vicinity of the synchrolift (boat haul-out) at the north end of Area 4 would be accomplished by a shore-based clamshell operation, transported by truck, and deposited in the uplands area. Sampling by AET, Inc. indicated that this area consists of silty sand (51.7% sand, 42% fines) with a small percentage (6.5%) of wood material.

4. Dredge Area 5 would be dredged to design depths of -10 feet MLLW to -15 feet MLLW. Material removed from the small boat launch area along the causeway would be accomplished by a shore-based clamshell operation, transported by truck, and deposited in the upland disposal basin. Sampling by AET, Inc. indicated that this area consists of generally silty sand (56.6% sand, 42% fines) with abundant shell hash.

The sediments of the harbor contained wood materials, expected to have originated from lumbering/forest products activities in the area of the harbor. AET, Inc. states the presence of the wood material does not impact the suitability of the sediments for use in other marine environments.

The impact of dredging harbor substrate at the above areas to be dredged would be neutral.

After the upland disposal basin reaches volume capacity, there may be a need to excavate the dredge basin and transport this material to permanent upland disposal sites yet to be identified by the Harbor District.

Currents /Circulation - The natural tidal currents and wave circulation in the Crescent City Harbor vicinity, and the location and structural configuration of the harbor, contribute to the harbor acting as a natural sand trap. The natural accretion of sand in Crescent City Harbor is derived from sand transported by littoral drift and sands contributed by the Smith River in the north, beaches located north of the harbor, and Elk Creek. The fines and silt migrate into the harbor from South Beach when nearshore winds and waves produce a large counter clockwise gyre (a form of large eddy) off of Point St. George and Crescent City (Corps of Engineers EA, 1998). If regular dredging is not performed at Crescent City Harbor, silt and sand could build up to the point that the harbor's currents and water circulation could be impaired over time, resulting in recreational and commercial vessels being unable to float and moor at the harbor or enter and exit the harbor. The proposed dredging would have a short-term, moderate, recurring impact on circulation or currents in the harbor by periodically removing obstructions to circulation and currents.

Erosion/Sedimentation Rates - Sedimentation from tidal and ocean wave activity, and sediment input from north coast streams, contribute to shoaling of Crescent City Harbor while the beaches south of the harbor have been eroding from similar tidal and stream dynamics. Although the applicant for the above project has obtained permits from the Corps in the past for dredging up to 75,000 CY annually, actual annual dredging amounts have likely been less than half the permitted amounts for a variety of reasons including equipment breakdowns. As a result, over the last ten years, shoaling has increased in the harbor to the point where at low tides boats in the Inner Boat Basin are left sitting in the mud, unable to move out to deeper water (Corps staff observations in April 1999). Heavily loaded or larger vessels are unable to enter or leave the inner reaches of the harbor. The Harbor District and its consultants estimate that a maximum of 100,000 CY of sediment should be removed from the harbor annually in order to prevent increased shoaling. The proposed project would have a neutral impact on erosion and sedimentation of the harbor environs. Material dredged from the harbor would likely be replaced with new sediment input over the winter storm periods on a nearly one for one basis, requiring an annual maintenance program.

Water Quality - Water quality parameters that could be temporarily affected by dredging operations include: total suspended solids (turbidity), dissolved oxygen, nutrients, pH, salinity, and temperature. Studies in San Francisco Bay by the Corps indicate the effects on the water column by operation of a hopper, hydraulic cutterhead, and

clamshell dredge were not significant. Dredging operations did not typically cause significant fluctuations in salinity, temperature, or pH over the short or long-term (Corps of Engineers EA, 1998).

Physical and chemical sampling and analysis of harbor sediments to be dredged was conducted by AET, INc. in 1999 for the above project. Copies of the November 1999 report can be obtained from RWP Dredging Management (Contact Richard W. Parsons at 805-649-9759) or AET, Inc. directly at 805-650-1400.

AET collected 16 sediment samples from the four areas of proposed dredging within Crescent City Harbor. AET used an electrical vibracore system suspended from a workbarge to collect the sediment samples.

The results of chemical measurements indicated no detectable concentration of total recoverable petroleum hydrocarbons, organochlorine pesticides, or polychlorinated biphenyls (PCBs). Minor concentrations of PAHs were measured in the samples from the harbor. Organotin (as Tributylin) was identified in one of four samples at concentrations of less than 5 L.C./kg.

Bioassay testing was conducted including one suspended particulate phase test with bivalve larvae (Pacific oyster Crassostrea gigas) and two acute solid phase tests using the amphipod Rhepoxinius abronius and the polychaete Neanthes arenaceodentata. The solid phase bioassay tests for Area 2 resulted in significant acute toxicity to the amphipod Rhepoxynius abronius. This sediment is not suitable for unconfined aquatic disposal. The sediments from Area 3, 4 and 5 have been found to be suitable for unconfined aquatic disposal.

There would be short-term, minor, adverse impacts on water quality due to the above proposed maintenance dredging by both the hydraulic and clamshell dredge operations. In addition, there would be minor, short-term adverse impacts to water quality when the upland disposal site drains excess water onto the beach after accumulation of dredged material.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Endangered Species - Elk Creek and offshore ocean waters are considered critical habitat for coho salmon, Oncorhynchus kisutch, which is listed as threatened by the National Marine Fisheries Service. Coho salmon spawn in coastal streams in fall or winter. Juveniles remain in freshwater for about a year. Coho salmon likely migrate up and down Elk Creek to spawn, and the juveniles would exit Elk Creek and spend little time in the harbor area (J. Waldvogel, U.C. Sea Grant, personal comm., 1999). The juveniles would likely head straight out to ocean waters. The coho would not linger within the proposed dredging areas. If a few do stray into the busy part of the harbor, the fish are highly mobile and can avoid any of the proposed dredging activity. The Corps has determined that there would be no effect on coho salmon from the proposed project as the migratory corridor for the fish and the dredging operations would be in different locations.

No impacts to any other federally-listed endangered species have been indicated at this time. However, should such an impact be identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

Habitat for Fish and Other Aquatic Organisms - Rockfish (Sebastes spp.) are common inhabitants of the harbor area. Rockfish spawn in the harbor in winter and early spring. Pacific herring enter the harbor from December through February to spawn. The demersal eggs are usually deposited on eelgrass, the substrate of preference, but females will attach eggs to a variety of surfaces such as pilings, rocks, and rip-rap. While juveniles and adults are capable of avoiding the dredging area, egg development can be hindered by siltation and depressed dissolved oxygen levels resulting from dredging activities. Other species found in the harbor are steelhead trout, chinook salmon, jacksmelt, and lingcod (Corps EA, 1998).

If dredging activity is confined to the period of mid-

August to mid-September, impacts to the above fishes are anticipated to be short-term, minor, and adverse.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The proposal would impact approximately 65 acres of EFH (approximate combined area of Dredge Areas 2,3,4, and 5 including portions of the Inner Boat Dock, Recreational Moorings and Boat Ramp, Inner Channel portion of the Federal Channel, and areas in the vicinity of Fashion Blacksmith and other facilities) utilized by various species including but not limited to rockfish, Pacific herring, jacksmelt, and lingcod. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in California waters. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

Harbor seals and sea lions frequent the harbor. A wide variety of shorebirds and migratory waterfowl inhabit the harbor on a seasonal basis. These animals are highly mobile, and would be able to avoid the immediate area of dredging and its effects.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - A conformity determination (Clean Air Act Section 176[c] [42 USC Section 7506(c)]) is not required for maintenance dredging and disposal at an approved disposal site consistent with 40 CFR 51.853(c)(2)(ix).

Noise Conditions - The proposed project would have minor, short-term, adverse noise impacts for the duration of the annual maintenance dredging.

(2) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - There would be a minor, short-term, adverse impact on aesthetic quality of the Crescent City marine environment due to the proposed dredging project.

Commercial Fishing - As of 1993, Crescent City Harbor contained a 308-berth commercial small boat basin, a 527-slip recreational moorage facility, two fish processing plants and docks, a main dock (Citizen's Dock), an unused dilapidated oil terminal, a marine repair facility and synchrolift, a Coast Guard dock, and other auxiliary commercial and recreational facilities. Commercial and recreational fishing activities comprise the majority of vessel traffic in the harbor. Commercial activity accounted for 90 percent of the total commerce. The commercial fishing fleet permanently based in the harbor consists of approximately 240 boats, averaging 43 feet in length, with drafts ranging from 2 to 14 feet. During storm periods, the harbor is used as a "Harbor of Refuge" by boats from both the California and Oregon fishing fleets (Corps EA, 1998). Fish and shellfish landings at the harbor have historically ranged between 1.5 million to over 36 million pounds annually. Most of the fishing effort is done by trawling, the most common species landed being whiting, shrimp, crab, rockfish, Dover Sole, thornyheads, and sablefish. A limited, yet valuable, herring roe harvest exists, with 30 tons a year being taken by 3 fishermen (Corps EA, 1998).

The proposed dredging project would have a major, long-term, beneficial impact on commercial fishermen using the harbor.

Economics - The proposed project would ensure safe and reliable navigation into and out of the inner reaches of the harbor, resulting in major, long-term, beneficial impacts on the marine economy, both commercial and recreational, and to Crescent City as a whole both directly and indirectly.

Employment - The proposed project would have a minor, seasonal/recurring, beneficial impact on the employment of dredging contractors, trucking firms,

and equipment operators.

Recreational Opportunities - The harbor is used by recreational boaters, sightseers, beachcombers, and fishermen/clammers. The proposed dredging would have a short-term, minor adverse impact on recreational boating, as facilities such as the recreational boat slips and boat launch ramp would be unavailable for a brief period while dredging is under way.

Recreational Fishing - Sport fishing activities take place predominantly in the summer months within the three-mile limit. Salmon is the most prized catch and amounts to approximately 100 angler days each for some 600 boats. Offshore sport fishing for coho and chinook salmon occurs in a 44 square mile band off Crescent City. Rockfish, lingcod, greenling, cabezon, and Pacific halibut are also taken by sport fishermen along a local feature known as Chase Ledge. South of Crescent City, small numbers of clams are harvested recreationally from South Beach and on mudflats immediately north of and outside the inner harbor. Major species sought include gapers, basket cockles and littleneck clams on the beach areas.

The proposed dredging project would have a long-term, major beneficial impact on recreational fishing.

Traffic/Transportation - There would be a minor, short-term, adverse impact on local traffic during the hauling of dredged material to the upland disposal basin and on Crescent City traffic if material from the upland disposal basin is eventually hauled to a landfill or abandoned industrial site for disposal.

Transportation/Navigation - The proposed project, in concert with maintenance of the Federal Entrance Channel by the Corps, would have a long-term, major, beneficial impact on navigation into, within, and out of the harbor.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

Archaeological Resources - No effect

Historic Properties - No effect

Cultural Resources - No effect

Native American Concerns - No effect

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

The above dredging project was previously authorized by the Corps of Engineers in 1989 for the annual dredging of 75,000 CY from the Inner Boat Basin, boat ramp, boat repair and haul-out areas, and the rest of the harbor inside the outer breakwater (excluding the Federal Channel). The actual amounts dredged between 1989 and 1999 are estimated to be a total of 100,000 CY. Disposal of most of this material occurred at the upland disposal basin with disposal of lesser amounts occurring at the Whaler Island groin below the High Tide Line.

In addition to the Harbor District's dredging operations, the Corps of Engineers has conducted dredging of the two Federally-constructed navigation channels at Crescent City Harbor. The Inner Harbor Basin Channel has an authorized depth of -20 feet MLLW and is only maintained to -15 feet MLLW. This channel is 300 feet wide and extends for 1,500 feet along the inside and around the tip of the inner breakwater. At the tip of the inner breakwater, the Inner Harbor Basin Channel connects with the second Federal Channel, also known as the Entrance Channel. This channel is 200 feet wide and extends 2,600 feet to the outer breakwater, and has an authorized depth of -20 feet MLLW. Historically, both existing Federal Channels have been maintenance dredged about every five years by the Federal government, with disposal of the material in the past at SF-1, an offshore ocean disposal site. This disposal site was formerly designated by EPA as an interim dredged material ocean disposal site

(until January 1, 1997), pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act. The EPA designation for SF-1 has expired.

The average annual shoaling of the harbor and entrance channel is estimated to be between 80,000 and 100,000 CY. The actual amount dredged by the Federal government varies. The previous maintenance dredging in 1993 removed 40,000 CY (Corps, EA 1998).

Since 1998, several other dredging activities have occurred at Crescent City Harbor, all authorized by the Corps of Engineers except for sand mining north of the harbor's Inner Boat Basin. Approximately 700 CY were removed adjacent to Fashion Blacksmith's boat repair facility with upland disposal in 1999 (Permit No. 24134, dated February 10, 1999). Approximately 10,000 CY of material were dredged from within the Inner Harbor Basin by the Harbor District with upland disposal (Permit No. 24515N dated July 27, 1999). The Harbor District placed 600 CY of rock and earthfill for levee repairs around the boat basin and boat launch ramp (Permit No. 24411N, dated September 7, 1999). An unauthorized removal of sand below the High Tide Line was discovered by the Corps of Engineers on the beach immediately north of the Inner Boat Basin in 1999 and a permit application for this activity from the Harbor district (dated May 26, 2000) is currently being reviewed by the Corps (File No. 24435N).

The proposed annual maintenance dredging of a portion of the Federal Channel and Inner Harbor (Areas 2,3,4, and 5) by the Harbor District as described previously in this Public Notice, would have a minor to moderate cumulative impact on dredging of the harbor channels and surrounding harbor environment.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the above identified impacts, a preliminary determination has been made that it will not be necessary to prepare an Environmental Impact Statement (EIS) for the subject permit application. The Environmental Assessment for the proposed action has, however, not yet been finalized and this preliminary determination may be reconsidered if additional information is developed.

CITATIONS:

(1) U.S. Army Corps of Engineers, Draft Environmental Assessment for Fiscal Year (FY) 1998 Operations & Maintenance Dredging of the Crescent City Harbor Federal Channels Del Norte County, California, San Francisco District, Planning & Engineering/Environmental, June 1998.

(2) Applied Environmental Technologies Inc. (AET), Sampling and Analysis Crescent City Harbor District, Crescent City, California, November 9, 1999.

5. **EVALUATION OF ALTERNATIVES:**
Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation was made by this office under the 404(b)(1) guidelines and it was determined that the proposed project is water dependent.

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be

relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Eureka Field Office, U.S. Army Corps of Engineers, P.O. Box 4863, Eureka, California 95502. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting David A. Ammerman of our Eureka Field office at telephone 707-443-0855 or e-mail at dammerman@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.